

LAW OFFICES OF DALE K. GALIPO

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Attorneys for Plaintiff REGINA CASTRO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

REGINA CASTRO,

Plaintiff,

vs.

COUNTY OF LOS ANGELES,
CHAD MELTON, and DOES 1-10,
inclusive,

Defendants.

Case No.: 2:23-cv-02810-WLH-MARx

**DECLARATION OF MARCEL F.
SINCICH IN SUPPORT OF
PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
DIRECTING DEFENDANT COUNTY
OF LOS ANGELES TO SHOW
CAUSE AS TO WHY THE
SETTLEMENT OF THIS ACTION
HAS NOT BEEN CONSUMMATED**

OSC re Dismissal:
Date: August 22, 2025
Time: 1:00 p.m.

[Declaration of Marcel F. Sincich; Proposed
Order *filed concurrently herewith*]

DECLARATION OF MARCEL F. SINCICH

1
2 1. I am an attorney licensed to practice law in the United States District
3 Court for the Central District of California. My office represents the Plaintiff in this
4 action. I have personal knowledge of the matters stated herein and would and could
5 testify competently thereto if called. I make this declaration in support of Plaintiff's
6 *ex parte* application for an order directing the County of Los Angeles to show cause
7 as to why the settlement of this action has not been consummated.

8 2. Defendant County of Los Angeles is represented by Jill Williams, Esq.,
9 Carpenter, Rothans & Dumont LLP, 500 South Grand Avenue, 19th Floor, Los
10 Angeles, California 90071, T: (213).228.0400, jwilliams@crdlaw.com. Defendant
11 Chad Melton is represented by Janet L. Keuper, Esq., Seki, Nishimura & Watase,
12 PLC, 600 Wilshire Blvd., Suite 1250, Los Angeles, CA 90017, (213) 481-2869,
13 jkeuper@snw-law.com.

14 3. Prior to filing this *ex parte* application, on August 13, 2025, I sent to
15 opposing counsel a draft response to OSC which included the substance of this *ex*
16 *parte* application and made the request listed therein. On August 15, 2025, I emailed
17 and left messages for opposing counsel seeking to discuss the substance of the
18 instant *ex parte* application in compliance with Local Rule 7-19, 7-19.1.

19 4. County counsel requested that if the request is to be made for
20 representatives to be present at the OSC, that Plaintiff requests a date with more
21 than a week for Defendants to comply if granted by the Court, specifically
22 requesting September 5, 2025. County counsel also indicated that they will not
23 oppose this *ex parte* application and will state their position at the OSC.

24 5. Plaintiff seeks the instant relief on an *ex parte* basis because it has
25 already been approximately 18 months since the Settlement Agreement was
26 executed, Plaintiff could be losing interest of approximately \$8,500 per month, and
27 the Order to Show Cause hearing is currently set for August 22, 2025, making a
28

1 regularly noticed motion impractical and would cause further delay and harm to
2 Plaintiff.

3 6. Attached hereto as Exhibit A is a true and correct copy of the *ex parte*
4 application and related order in the matter of *R.H. et al. v. County of Los Angeles et*
5 *al.*, Case No. 2:22-cv-05706-FMO-MAR.

6 I declare under penalty of perjury of the laws of the United States of America
7 that the forgoing is true and correct. This declaration was executed on this 15th day
8 of August, 2025.

9
10 /s/ Marcel Sincich
11 Marcel F. Sincich, Esq.
12 *Attorneys for Plaintiff* REGINA CASTRO
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Exhibit A

DALE K. GALIPO [CA SBN 144074]
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Attorneys For Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

R.H., a minor, by and through his legal
guardian, Raylene Johnson,
individually, and as FREDERICK
HOLDER's successor-in-interest,
TONY JONES, an individual; APRIL
HOLDER, an individual

Plaintiffs,

v.

COUNTY OF LOS ANGELES, a
Governmental Entity; JACKIE ROJAS,
an individual; JAVIER FIERROS, an
individual; CHRISTOPHER CONGER,
an individual; and DOES 1-10,
inclusive

Defendants.

CASE NO. 2:22-CV-05706-FMO-MAR

**PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
DIRECTING DEFENDANT COUNTY
OF LOS ANGELES TO SHOW CAUSE
AS TO WHY THE SETTLEMENT OF
THIS ACTION HAS NOT BEEN
CONSUMMATED**

[Declaration of Renee V. Masongsong;
Proposed Order *filed concurrently herewith*]

**TO THIS HONORABLE COURT, AND ALL PARTIES THROUGH THEIR
ATTORNEYS OF RECORD:**

COME NOW Plaintiffs R.H., a minor, by and through his legal guardian, Raylene Johnson, individually and as successor-in-interest to Frederick Holder, deceased; Tony Jones, an individual; and April Holder, an individual (“Plaintiffs”). Plaintiffs hereby respectfully submit this unopposed *ex parte* application for a court order directing Defendant County of Los Angeles to consummate the settlement of this case. The Parties agreed to settle the above-referenced action in its entirety on December 14, 2023. The settlement is contingent upon final approval by the Los Angeles County Claims Board and the Los Angeles County Board of Supervisors. Approximately 18 months have passed since the Parties reached the settlement, and yet this matter has not been presented to the Los Angeles County Claims Board or the Los Angeles County Board of Supervisors. Therefore, Plaintiffs are filing the instant *ex parte* application requesting that this Court issue the proposed order filed concurrently herewith directing Defendant County of Los Angeles to show cause as to why the settlement of this action has not been consummated.

Plaintiffs make this application pursuant to Central District Local Rule 7-19. The grounds for this application are set forth in the Memorandum of Points and Authorities, which follows below, and the Declaration of Renee V. Masongsong, which is submitted concurrently herewith. Prior to filing this *ex parte* application, on July 29, 2025, Plaintiffs’ counsel discussed the substance of the instant *ex parte* application with Defendants’ counsel in compliance with Local Rule 7-19, 7-19.1. (Declaration of Renee V. Masongsong filed concurrently herewith at ¶ 2). Defendants are represented by: Marina Samson, Esq.; IVIE McNEIL WYATT PURCELL & DIGGS; 444 S. Flower Street, 18th Floor; Los Angeles, CA 90071; (213) 489-0028. (Masongsong Decl. at ¶ 3).

During the conference of counsel, Defendants’ counsel represented that they do not oppose Plaintiffs’ request that this Court set a hearing wherein Defendant County of Los Angeles will show cause as to why the settlement has not been consummated. Plaintiffs

1 do not anticipate that Defendants will file any opposition. Plaintiffs seek the instant relief
2 on an *ex parte* basis because it has already been approximately 18 months since the
3 Settlement Agreement and Release was executed, and Plaintiffs are losing interest in
4 excess of \$10,000 per month on the settlement funds. Filing this as a regularly noticed
5 motion would only cause further delay and harm to Plaintiffs. (Masongsong Decl. at ¶
6 4).

7
8 Dated: August 1, 2025

LAW OFFICES OF DALE K. GALIPO
HAYSBERT | MOULTRIE, LLP

9
10 By: /s/ Renee V. Masongsong
11 Renee V. Masongsong
12 Dale K. Galipo
13 Nazareth M. Haysbert, Esq.
14 James L. Moultrie III, Esq.
15 *Attorneys for Plaintiffs*
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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs hereby respectfully submit this *ex parte* application for a court order directing Defendant County of Los Angeles to show cause as to why the settlement of this case has not yet been consummated. Specifically, Plaintiffs request that this Court enter the proposed order filed concurrently herewith, setting a hearing wherein Defendant County of Los Angeles shall show cause as to why the settlement has not been consummated.

Plaintiffs filed their complaint in this action on August 11, 2022. On October 24, 2023, the Parties participated in a successful mediation with the Honorable Joseph Biderman. The Parties agreed to settle the case in its entirety for \$3,500,000, contingent upon the approval by the Los Angeles County Claims Board and the Los Angeles County Board of Supervisors. On December 21, 2023, the Parties executed a stipulation for settlement. The terms of the stipulation for settlement include that this Court shall retain jurisdiction to enforce the terms of the settlement agreement. On January 16, 2024, the Parties filed a Notice of Conditional Settlement and Request to Vacate all Dates with this Court. (Dkt. 47). On January 19, 2024, this Court dismissed this action without prejudice. (Dkt. 48). On July 1, 2024, Plaintiffs executed the long form Settlement Agreement and Release. To date, the settlement approval has not been presented to the Los Angeles County Claims Board or the Los Angeles County Board of Supervisors. The Claims Board and Board of Supervisors cannot place this on the agenda if it has not been presented by the County of Los Angeles.

One of the plaintiffs in this case, R.H., is a minor, and Plaintiffs will need to file a petition for approval of the compromise of the minor's claims. The minor's compromise petition will request entry of an order directing Defendant County of Los Angeles to fund an interest-bearing annuity with the minor plaintiff's portion of the settlement. The County of Los Angeles typically needs approximately 45 days to fund the annuity after the court's approval of the minor's compromise. Plaintiffs are unable to file the minor's compromise petition until after the settlement is approved because the interest rates for

1 the annuity can only be locked in for a relatively short amount of time. Therefore, even
2 after the settlement is approved, Plaintiffs will not receive their settlement funds for
3 approximately another two to three months.

4 Plaintiffs entered into the settlement agreement with the expectation that they
5 would receive their settlement funds within a reasonable amount of time. Now that
6 approximately 18 months have passed since the Parties agreed to settle the case, Plaintiffs
7 are seeking court intervention to enforce the terms of the settlement agreement. Given
8 the amount of the settlement, the delay in payment is causing Plaintiffs to lose a
9 significant amount of interest on the \$3,500,000. Assuming a 4% interest rate, Plaintiffs
10 have already lost approximately \$210,000 in accrued interest on the \$3,500,000, and will
11 continue to lose interest in the amount of approximately \$11,667 per month. Therefore,
12 Plaintiffs request that this Court enter the proposed order filed concurrently herewith,
13 setting an Order to Show Cause hearing wherein Defendant County shall explain why
14 this matter has not yet been placed on the agendas of the Los Angeles County Claims
15 Board and the Los Angeles County Board of Supervisors.

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17
18 Dated: August 1, 2025

LAW OFFICES OF DALE K. GALIPO
HAYSBERT | MOULTRIE, LLP

19
20 By: /s/ Renee V. Masongsong
21 Renee V. Masongsong
22 Dale K. Galipo
23 Nazareth M. Haysbert, Esq.
24 James L. Moultrie III, Esq.
25 *Attorneys for Plaintiffs*
26
27
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Dkt. 50-1

LAW OFFICES OF DALE K. GALIPO
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Fax: (818) 347-4111

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

R.H., a minor, by and through his legal
guardian, Raylene Johnson, individually,
and as FREDERICK HOLDER's
successor-in-interest, TONY JONES, an
individual; APRIL HOLDER, an
individual

Plaintiffs,

v.

COUNTY OF LOS ANGELES, a
Governmental Entity; JACKIE ROJAS,
an individual; JAVIER FIERROS, an
individual; CHRISTOPHER CONGER,
an individual; and DOES 1-10, inclusive

Defendants.

CASE NO. 2:22-CV-05706-FMO-
MAR

**DECLARATION OF RENEE V.
MASONGSONG IN SUPPORT OF
PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
DIRECTING DEFENDANT
COUNTY OF LOS ANGELES TO
SHOW CAUSE AS TO WHY THE
SETTLEMENT OF THIS ACTION
HAS NOT BEEN CONSUMMATED**

DECLARATION OF RENEE V. MASONGSONG

1
2 1. I am an attorney licensed to practice law in the United States District
3 Court for the Central District of California. My office represents the Plaintiffs in
4 this action. I have personal knowledge of the matters stated herein and would and
5 could testify competently thereto if called. I make this declaration in support of
6 Plaintiffs' *ex parte* application for an order directing the County of Los Angeles to
7 show cause as to why the settlement of this action has not been consummated.

8 2. Prior to filing this *ex parte* application, on July 29, 2025, I discussed
9 the substance of the instant *ex parte* application with Defendants' counsel in
10 compliance with Local Rule 7-19, 7-19.1.

11 3. Defendants are represented by Marina Samson, Esq., IVIE McNEIL
12 WYATT PURCELL & DIGGS, 444 S. Flower Street, 18th Floor, Los Angeles, CA
13 90071, (213) 489-0028.

14 4. During the conference of counsel, Defendants' counsel represented that
15 they do not oppose Plaintiffs' request that this Court set a hearing wherein
16 Defendant County of Los Angeles will show cause as to why the settlement has not
17 been consummated. Plaintiffs do not anticipate that Defendants will file any
18 opposition. Plaintiffs seek the instant relief on an *ex parte* basis because it has
19 already been approximately 18 months since the Settlement Agreement and Release
20 was executed, and Plaintiffs are losing interest in excess of \$10,000 per month on
21 the settlement funds. Filing this as a regularly noticed motion would only cause
22 further delay and harm to Plaintiffs.

23 I declare under penalty of perjury of the laws of the United States of America
24 that the foregoing is true and correct, and that this declaration was executed this 1st
25 day of August, 2025 at Woodland Hills, California.

26 s/ Renee V. Masongsong

27 Renee V. Masongsong

Dkt. 50-2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

R.H., a minor, by and through his legal guardian, Raylene Johnson, individually, and as FREDERICK HOLDER's successor-in-interest, TONY JONES, an individual; APRIL HOLDER, an individual

Plaintiffs,

v.

COUNTY OF LOS ANGELES, a Governmental Entity; JACKIE ROJAS, an individual; JAVIER FIERROS, an individual; CHRISTOPHER CONGER, an individual; and DOES 1-10, inclusive

Defendants.

CASE NO. 2:22-CV-05706-FMO-MAR
District Judge: Hon. Fernando M. Olguin
Magistrate Judge: Margo A. Rocconi

**(PROPOSED) ORDER GRANTING
PLAINTIFFS' EX PARTE
APPLICATION FOR AN ORDER
DIRECTING THE COUNTY OF LOS
ANGELES TO SHOW CAUSE AS TO
WHY THE SETTLEMENT OF THIS
ACTION HAS NOT BEEN
CONSUMMATED**

1 After reviewing the Plaintiffs' *Ex Parte* Application for an Order Directing the
2 County of Los Angeles to Show Cause as to Why the Settlement of this Action has not
3 been Consummated, and GOOD CAUSE appearing, this Court makes the following
4 orders:

5 This Court sets an Order to Show Cause hearing for August 14, 2025, at 10:00 a.m.
6 At the Order to Show Cause Hearing, Defendant County of Los Angeles shall explain
7 why the settlement of this action has not been presented before the relevant Boards.
8 Counsel for Defendant County of Los Angeles shall ensure that the individuals with
9 decision-making authority are present or represented.

10
11 IT IS SO ORDERED.

12
13 UNITED STATES DISTRICT COURT

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15 Dated:

16 _____
17 Fernando M. Olguin
18 United States District Judge
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From: cacd_ecfmail@cacd.uscourts.gov
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 2:22-cv-05706-FMO-MAR R.H. et al v. County of Los Angeles et al Motion for Settlement
Date: Friday, August 1, 2025 9:16:38 AM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered by Masongsong, Renee on 8/1/2025 at 9:15 AM PDT and filed on 8/1/2025

Case Name: R.H. et al v. County of Los Angeles et al
Case Number: [2:22-cv-05706-FMO-MAR](#)
Filer: R. H.
April Holder
Tony Jones

WARNING: CASE CLOSED on 01/19/2024

Document Number: [50](#)

Docket Text:

EX PARTE APPLICATION for Settlement Approval filed by Plaintiffs R. H., April Holder, Tony Jones. (Attachments: # (1) Declaration of Renee V. Masongsong, # (2) Proposed Order) (Attorney Renee V Masongsong added to party R. H. (pty:pla), Attorney Renee V Masongsong added to party April Holder(pty:pla), Attorney Renee V Masongsong added to party Tony Jones(pty:pla)) (Masongsong, Renee)

2:22-cv-05706-FMO-MAR Notice has been electronically mailed to:

Angela Marie Powell amp@jones-mayer.com, lareema@jones-mayer.com, mkb@jones-mayer.com, wag@jones-mayer.com

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dgilbert@galipolaw.com, evalenzuela@galipolaw.com, hlee@galipolaw.com,
ldeleon@galipolaw.com, msincich@galipolaw.com, rvalentine@galipolaw.com,
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**2:22-cv-05706-FMO-MAR Notice has been delivered by First Class U. S. Mail or by
other means BY THE FILER to :**

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\8.1.25 Ex Parte (Holder) (003).pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=8/1/2025] [FileNumber=40648807-0]
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Document description:Declaration of Renee V. Masongsong

Original filename:C:\fakepath\RVM Decl re Ex Parte.pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=8/1/2025] [FileNumber=40648807-1]
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84919977a30ca0a27edb239b11d5924b2605f6ce2e46b3b2685ecb0a20fa]]

Document description:Proposed Order

Original filename:C:\fakepath\8.1.25 Ex Parte Proposed Order.pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=8/1/2025] [FileNumber=40648807-2]
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

12 R.H., a minor, by and through his legal
13 guardian, Raylene Johnson,
14 individually, and as FREDERICK
15 HOLDER's successor-in-interest,
16 TONY JONES, an individual; APRIL
17 HOLDER, an individual

18
19 Plaintiffs,

20 v.

21 COUNTY OF LOS ANGELES, a
22 Governmental Entity; JACKIE ROJAS,
23 an individual; JAVIER FIERROS, an
24 individual; CHRISTOPHER CONGER,
25 an individual; and DOES 1-10,
26 inclusive

27
28
Defendants.

CASE NO. 2:22-CV-05706-FMO-MAR
District Judge: Hon. Fernando M. Olguin
Magistrate Judge: Margo A. Rocconi

**ORDER GRANTING PLAINTIFFS' EX
PARTE APPLICATION [50] FOR AN
ORDER DIRECTING THE COUNTY OF
LOS ANGELES TO SHOW CAUSE AS
TO WHY THE SETTLEMENT OF THIS
ACTION HAS NOT BEEN
CONSUMMATED**

1 After reviewing the Plaintiffs' *Ex Parte* Application for an Order Directing the
2 County of Los Angeles to Show Cause as to Why the Settlement of this Action has not
3 been Consummated, and GOOD CAUSE appearing, this Court makes the following
4 orders:

5 This Court sets an Order to Show Cause hearing for **August 14, 2025, at 10:00**
6 **a.m.** At the Order to Show Cause Hearing, Defendant County of Los Angeles shall
7 explain why the settlement of this action has not been presented before the relevant
8 Boards. Counsel for Defendant County of Los Angeles shall ensure that the individuals
9 with decision-making authority are present or represented.

10
11 IT IS SO ORDERED.

12
13 Dated: August 8, 2025

_____/s/_____
Fernando M. Olguin
United States District Judge